UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION DOCKET NO. 3:15-cr-00007-MOC

UNITED STATES OF AMERICA,)	
)	
)	
)	
Vs.)	ORDER
)	
QUANTRELL DION REID,)	
)	
Defendant(s).)	

THIS MATTER is before the court on defendant's Motion to Withdraw Guilty Plea. It appears that defendant was not advised at the time of acceptance of the plea that he was subject to an enhancement as an Armed Career Criminal, an error which the government concedes entitles defendant to withdraw from such agreement. Having considered defendant's motion and reviewed the pleadings, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that defendant's Motion to Withdraw Guilty Plea (#26) is GRANTED, the court's acceptance of the plea is WITHDRAWN, the Plea Agreement is STRICKEN, and this matter is returned to the January 2016 active trial docket.

The court finds that the time between July 13, 2015, and the January 2016 term is excludable time under the Speedy Trial Act inasmuch as under 18 U.S.C. § 3161(h)(1), the period of time between acceptance of the Plea and withdrawal of the Plea "result[s] from other proceedings," to wit, a Presentence Investigation instant to acceptance of the plea which uncovered the error requiring withdrawal of the plea.

Signed: December 21, 2015

